

THOUGHTS

ON THE

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CORPORATION

AND

TEST ACTS:

CONTAINING,

An ANSWER to a Pamphlet intituled, *The Dispute Adjusted.*

And Shewing,

That none but the Wisdom of the NATION can adjust the Dispute, Whether there may not be a Proper Time to repeal Them.

LONDON:

Printed for J. ROBERTS, near the Oxford-Arms,
in Warwick-lane. 1732.

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Printed for J. ROBERTS, near the Oxford-Street,
in Westminster. 1753



THOUGHTS

ON THE

Corporation and Test Acts, &c.

THE Expediency or Non-expediency of moving for a Repeal of these Acts, has been for some time the grand Subject of Conversation. The Dissenters in general wish for it, though some among them have been taught to think the present an improper Time to take any Steps towards it. Great Numbers in the Established Church are so far from having any thing to say for continuing them, that they join in wishing the Repeal, and are ready to concur in their Endeavours for that Purpose. Others would probably be of the same Mind, if the true State of the Case were set before them, which has been unfairly represented. And it is at least as

A 2 probable,

probable, that among the Dissenters themselves, those who at present think it inexpedient to try for a Repeal, would lay aside their Objections, if they were made fully sensible of the Inconveniencies which must attend the Continuance, and had those Reasons laid before them, which convince their Brethren of the Fitness of seeking now, what they acknowledge to be always reasonable.

I propose therefore, as briefly as I can, to state the Case itself, and make some Reflexions on it; and then suggest some Considerations about the Fitness or Unfitness of applying to the Legislature at present.

The Case itself can no way be stated to a good Purpose, without having Recourse to the very Words of the Acts. Which are as follows.

13. Car. II. Stat. II. cap. II. *An Act for the well governing and regulating of Corporations.*

Be it enacted, — that no Person or Persons shall for ever hereafter be placed, elected, or chosen, in or to any the Offices or Places aforesaid, [relating to the Government of Cities, Corporations and Boroughs] that shall not have within one Year next before such Election or Choice, taken the Sacrament of the Lord's Supper, according to the Rites of the Church of England.

And it is enacted
that no Person or Persons shall for ever hereafter be placed, elected, or chosen, in or to any the Offices or Places aforesaid, that shall not have within one Year next before such Election or Choice, taken the Sacrament of the Lord's Supper, according to the Rites of the Church of England.

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Stat.

Stat. 25 Car. II. cap. 2. An Act for preventing Dangers which may happen from Popish Recusants.

For preventing Dangers which may happen from Popish Recusants, and quieting the Minds of his Majesty's good Subjects: Be it enacted, — That all and every Person or Persons, that shall be admitted, entred, placed or taken, into any Office or Offices, Civil or Military, or shall receive any Pay, Salary, Fee or Wages, by reason of any Patent or Grant of His Majesty, or shall have Command or Place of Trust, from or under His Majesty, his Heirs or Successors, or by His or Their Authority, within this Realm of England, Dominion of Wales, or Town of Berwick upon Tweed, or in His Majesty's Navy, or in the severall Islands of Jersey or Guernsey; — shall take the Oaths [of Supremacy and Allegiance] in His Majesty's High Court of Chancery, or in His Majesty's Court of King's Bench, — or at the Quarter Sessions for that County or Place where he or they shall reside. — And all and every such Person or Persons so to be admitted as aforesaid, shall also receive the Sacrament of the Lord's Supper, according to the Usage of the Church of England, within three Months after his or their Admittance in or receiving the said Authority and Employment; in some publick Church, upon some Lord's Day, commonly called Sunday,

day, immediately after Divine Service and Sermon. And every of the said Persons, in the respective Court where he takes the said Oaths, shall first deliver a Certificate of such his receiving the said Sacrament as aforesaid, under the Hands of the respective Minister and Churchwarden; and shall then make Proof of the Truth thereof by two credible Witnesses at least upon Oath. And — all and every the Person or Persons aforesaid, that do or shall neglect or refuse to — take the said Sacrament, — shall be ipso facto adjudged incapable and disabled in Law, — to have, occupy or enjoy the said Office or Offices. And all and every such Person or Persons, that shall neglect or refuse to take — the Sacrament as aforesaid, within the Times and in the Places aforesaid, and in the manner aforesaid; and yet after such Neglect or Refusal, shall execute any of the said Offices or Employments after the said Times expired; — every such Person or Persons shall be disabled from thenceforth, to sue, or use any Action, Bill, Plaint or Information in Course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, or to bear any Office within this Realm of England, &c. — and shall forfeit the Sum of 500 Pounds.

By

CORPORATION and TEST Acts. 7

By the former of these Acts, a Man who is guilty of no other Fault than scrupling to take the Sacrament according to the Rites of the Church of *England*, is debarred from what as a good Subject he has a just Right to: and his Country is debarred from receiving that Service which he might do for it in the Corporation to which he belongs. And surely the scrupling to communicate according to the Rites of any particular Church, is neither such a Crime as to deserve an Exclusion from Civil Offices, to a Person in all other Respects worthy of them: nor can any Man have the Face to deny that there are Numbers of Dissenters in all Respects very capable of doing good Service in their respective Corporations, but excluded from it merely by this Act.

By the latter, commonly called the *Test-Act*, every Person who shall be admitted into any Place of Trust in the Government, is obliged to receive the Sacrament according to the same Rites, within Three Months after his Admittance, and deliver into Court a Certificate of his having so done: and if he ventures to exercise any Office specified in the Act without having thus conform'd, he is made liable to Penalties, from the Severity of which one wou'd conclude, he had been proved guilty of the highest

highest Crimes a Man was capable of committing.

By both Acts Room is left for the vilest of Men to be admitted unto Offices, from those of the lowest Consequence to those of the highest; and moreover, a Temptation is laid before them to harden themselves more and more in their Contempt of Things sacred, by submitting in outward Appearance to a divine Institution, which they inwardly look upon both with Contempt and Aversion. Men of tender and scrupulous Consciences, and every way qualified for the Trust, are by their Scrupulosity itself prevented from serving their Country, and have a Mark of Infamy set upon them; and Men of the most debauched Principles and Lives, Men who in Conversation are not ashamed to defie all Things sacred, are by Virtue of their external Compliance with what they despise or abhor, rendered capable of being employ'd in Places of Trust; nay, and in some Cases must be so, for Want of a sufficient Number of able Men of a virtuous and religious Character.

It is moreover to be observed; that both by the Title and Preamble of the *Test-Act* it appears, it was not designed against Protestant Dissenters, but to prevent dangers which might happen from Popish Recusants.

And

And 'tis well known, that tho' it was foreseen, while the Bill was passing into an Act, that it might be turned against Protestant Dissenters, yet such was the Zeal of some leading Men of that Denomination to secure their Country against the threatening Danger of Popery, that they willingly came in to the Bill, not doubting but that Measures would afterwards be taken for easing them and their Posterity.

But has not the Event proved that it was a desperate Remedy? And is it not high Time it should be thrown aside, now that there is no Pretence of it's being wanted? Is there no Way of keeping out *Papists*, without dividing and weakening of *Protestants*, and debasing a sacred Institution of Religion? Our Neighbours the *Dutch*, whose Conduct is so often retorted upon the Dissenters, exclude *Papists* from Civil Offices. And the like is done by other Protestant States. But do any of them take this Method, of making the holy Sacrament a Test of Qualification? Or is there any the least Need of it among us? Besides all the other Provision made against *Popery* before, we have now the Advantage of being effectually secured by those Acts which settle the Succession to the Crown in the *Protestant* Line, and exclude all *Papists*. And as long as these Acts remain inviolate, we are in no Danger from *Popery*. The Case was quite otherwise at the Passing of the

TO AN THOUGHTS on the

the *Test-Act*. For the Nation was then alarm'd with the Prospect of a Popish Successor. And it was for quieting the Minds of his Majesty's good Subjects in that respect, that the Oaths and Sacramental Test were design'd to prevent, what it was expected a Popish Successor wou'd be eager for; i. e. the putting of *Papists* into all Places of Trust and Influence, in order to overthrow the *Protestant* Religion. Now, there is no Danger that any *Protestant* Prince will ever be for such Measures: and therefore this Test, besides that it is hurtful in dividing and weakening of *Protestants*, and besides all other Considerations, is really needless.

I cannot forbear quoting here the Words of that noble Patron of Liberty, the Bishop of Bangor, now of Sarum, in his *Defence of the Common Rights of Subjects*, pag. 261, 262. * That the *Test-Act* has kept out *Papists* from Offices, and done Service that Way to the Nation, I have never denied. But that it has kept out Others, who have not forfeited their *Common Rights to Civil Offices* by any *Dissaffection* to the *Civil Government*, is as true on the other hand. And as I hope, a Method might be found out, full as effectual with Respect to *Papists*, as This of the *Sacramental Test*; which is effectual, and can be effectual only

* N.B. The Reader is desired to observe the Bishop's Advertisement, at the Beginning of his Book, concerning the double printing of these Pages.

only because the Leaders of the *Papists* have not yet thought fit to give them a general *Dispensation* to communicate with us when they please: so I cannot think that One good Effect of a *Law*, depending upon accidental Circumstances, can be a sufficient *Reason* for it; if it be found to be *Unjust*, and Disagreeable to the Ends of *Civil Government*, and Injurious to good Subjects, as well as a Debasement of a sacred Institution of the *Christian Religion*.

To what has been said, give me leave to add; that so far as the Influence of the *Corporation Act* extends, it answers much the same Ends as the *Test-Act*, in dividing and weakening of *Protestants*.

And now, from this brief State of the Case let it be judged, whether it is not reasonable to desire, that the Legislature would be pleased some time or other to repeal these Laws. For,

If the taking of the Sacrament, after any particular Usage whatever, as a Test of Qualification for Offices, is perverting the Design of that Sacred Institution:

If it is accordingly a Burthen to the Consciences of religious Clergymen throughout the Nation, that they are obliged to admit to the Lord's Table the most unfit and unworthy Communicants:

If it tends to the Increase of Infidelity and Irreligion :

If it is a Discouragement to the Endeavour or the very Desire after the best Qualifications for serving one's Country : And lastly,

If, besides dividing and weakening the Protestant Interest, it cuts off from the Community the Service of many useful Members, Men of Conscience and approved Fidelity, and puts into their Room Men of the most profligate Principles and Course of Life :

Then it must certainly be desirable, that the Holy Sacrament should cease to be made a Test of such Qualification or Exclusion.

And it is humbly submitted to all impartial Minds, whether the Acts in question, which make the taking of the Sacrament a Test for such Qualification or Exclusion, are not thereby instrumental to all the Evils now mentioned.

For the three first Reasons alledged, it deserves to be considered, whether as long as these Acts continue, they are not the necessary Occasion of a National Sin ; necessary, I mean, in a moral Respect, considering the little Hold that Religion has upon vast Numbers of Men in the Nation : And for the two last, whether they

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are not hurtful to the Nation's true Interest in a Political Respect.

I am not disposed to enlarge upon the Particulars. Let the Reader do that in his own private Thoughts. But before I proceed to the Enquiry about the Fitness or Unfitness of the present Time for seeking a Repeal; I shall transcribe a few Passages belonging to the religious Part of the Controversy, from the celebrated Writings of the Author already quoted; which set the Matter in a clearer Light than I can pretend to place it in.

In his *Answer to the Representation of the Committee*, pag. 185. he has these Words. 'I now repeat it before the World: that to make the Celebration of this Institution, which was ordained and confined by our Lord himself to the serious Remembrance of his Death in the Assemblies of Christians, to be the *Instrument* of some particular Sort of Christians (as well as of Atheists and Infidels) getting into *Civil Offices*; and to be the *Bar* against other Sort of Christians; is *debasing the most sacred Thing in the World into a political Tool, and an Engine of State.*'

Pag. 190. 'The Celebration of the Lord's Supper was instituted and ordained for the more effectual Memory of *Him, who brought Life and Immortality* to

' to *Light*; who by his *Death* overcame
 ' *Death*; and purchased the *Happiness* of
 ' another *Life* for all his true *Disciples*.
 ' And consequently to take *This*, and to
 ' turn it aside to any of the *Purposes* of
 ' this *Life*; is to turn it from its *Original*
 ' and *Natural* Design, to a Purpose against
 ' its own Nature, and contrary to the *End*
 ' proposed by the *Ordainer* himself.

' In his *Defense of the Common Rights of*
 ' *Subjects*, pag. 30. he observes concerning
 ' the Holy *Sacrament*; that ' *Christ* ordained
 ' it to be received ONLY in Remembrance of
 ' Himself: the *Act* ordains it (or it ordains
 ' nothing) to be received, not ONLY for this
 ' Purpose; but for another Purpose, that is,
 ' as something without which no Person
 ' shall enjoy a *Civil Office*. This is a Pur-
 ' pose *Superadded* to the Purpose of *Christ*.
 ' Therefore the *Act* is so far from suppo-
 ' sing it to be received for the Purpose of
 ' *Christ* ONLY, that it commands it to be re-
 ' ceived for ANOTHER Purpose besides that.
 ' Ibid. pag. 210. ' That Way of Reasoning
 ' ought not to be applauded or received
 ' by *Protestants*, which now actually hin-
 ' ders it or opposes it, in *All Popish Coun-*
 ' *tries*; and which justifies those who either
 ' have heretofore *obstructed* it, or now in
 ' any Country do it.

' Pag. 220. ' That Way of Reasoning,
 ' which either justifies the *Heathen Civil*
 ' Governments

‘ Governments in having denied to *Christians* that *Capacity* of holding *Civil Offices*, which they allowed to those of the *Established Religion*; or severely blames those *Heathen Governments* which were guilty of so much *Folly*, as to allow to any *Christian* such a *Capacity*; ought not to be admitted by *Christians*: I might have said, ought to be abhorred by them.’

Pag. 260. ‘ He might have said, that the *Test-Act*, to his own Knowledge and Eye-sight, proves a *Temptation* to many Men, not only to do *what otherwise* They would not choose to do; but to do what is very wicked; to abuse *This Holy Institution*; to approach it without any true Sense of what they are doing. ——— Pag. 261. Supposing therefore, that the Receiver be answerable for his own *Insincerity*; there remains another Point: and that is, the laying a *Temptation*, of so fatal, known, and natural an *Effect*, as this. And for this other Point, ——— no one can be answerable, but *They* who first laid it, and they who wilfully continue it.

Pag. 37, &c. ‘ The *Test-Act*, I say; the *Test-Act*, is the Natural Evident Occasion of this: and must be charged with it, whilst it is known that there are *Atheists*, *Infidels*, and *Debauchees* in the World. For the Offices of *this World* are their ALL. The *Test-Act* declares them incapable of these

these Offices, without receiving the Com-
 munion. What remains therefore, but
 that They come, and receive the Bread
 and Wine, in Manner and Form appoint-
 ed? The Action is as indifferent to them,
 as any other Action. They have no Scrup-
 les of Conscience about it. They can't
 have a Post without it: And therefore it
 is to them an easy and natural Resolution,
 to have One with it. The Cause is the
 Test Act, In Obedience to That they
 come. Take away That: and they would
 never think of coming at all. The Let-
 ter of the Law is the Law: and they who
 perform all that the Law of Men requires,
 obey the Laws of Men; who cannot make
 Laws about Inward Affections and Dispo-
 sitions, but about Outward Actions only.
 And supposing them to have pitched upon
 this particular Outward Action, to exclude
 some Honest Christians; who were sup-
 posed to have Real Scruples against it; yet
 this is nothing at all to the Case now be-
 fore us. For the Legislature could not so
 much as suppose that the Ordaining, as
 a Qualification, the External Act of Com-
 municating in our Churches, could exclude
 any Man who was inwardly an Atheist or
 Unbeliever: because such a Person could
 not be supposed to have any Principles to
 hinder him from taking the Benefit of a
 Law, which made his Worldly Interest
 depend

Depend upon an *Action*, against which
 he could have no *Scruples*; and which
 was as *Indifferent* to *Him*, as any Other
Action of Life they could have pitch'd
 upon. Nay, this was so evident at the
 Time of making this *Act*; (when Multi-
 tudes of the most zealous for our Ecclesi-
 astical *Constitution* were well known not
 to be overburthen'd with Religion; and
 when others of the *greatest Promoters* of
 the *Act*, were known to mean nothing of
 Religion in it, but to keep out *Papists*:
This was so evident then, I say) that one
 may affirm, there was no such thing in
 the Eye of the *Legislature*, as excluding
such Persons as we have been speaking of,
 If it had been their Intent; the *Means*
 wou'd have been better proportion'd to
 the *End*. This therefore is plain; that
 this *Great Evil* is occasioned, and indeed
 Caused by the *Test-Act*. I say *Caused*:
 because *this* cannot be call'd an *Acciden-*
tal Unforseen Consequence; but is in truth
 the *Natural*, and morally speaking, *Un-*
avoidable Consequence of it.

Reflexions of this Kind are worthy of a
 Christian Bishop; and well deserve the
 Consideration of all his Brethren. And as
 the Right Reverend Bench are so consider-
 able a Part of the *Legislature*, and have
 moreover so great an Influence over a nu-
 merous Clergy, and consequently over the
 Nation

Nation in general; it is but a reasonable Request that they wou'd be pleas'd maturely to consider what Part will become Them, in case a Bill for repealing the Acts in question shou'd be brought before them in Parliament. The Cause of serious Religion ought to be of all things the most dear to them. It is Natural therefore to hope from their Character, that they will ask their own Minds, whether they do believe that those *Great Evils* are the *Unavoidable Consequences* of these *Acts*; and that they will regulate their Conduct accordingly. And further: Compassion to their Brethren of the Inferiour Clergy will excite them to consider, whether what is affirm'd by the same Author is true; viz. that by virtue of the *Test-Act* a Clergyman is liable to be ruin'd, merely for acting a conscientious Part, in withholding the Communion from those who are notoriously known to be such as the Scripture pronounces unfit to receive it, tho' Legal Proof of their Unfitness cannot be come at. His words, in pag. 294. of the Book last cited, are as follows.

This may be meant for *Law* too, for "ought I know: and if it be, it may be true, that by the *Law* of the Land, unless a Man be so *notorious* a Sinner, as that his Practice is an *Offense* to the *Congregation*, such an *Open Censure*, as Refusing

‘ to administer the Communion to Him
 ‘ cannot be justified. So then, a *Clergy-*
 ‘ *man* is still left to be undone, upon the
 ‘ *Occasion* of such a *Refusal*, unless He can
 ‘ prove, in a *legal* way, by *legal* Evidence,
 ‘ that this *Person* is guilty of such or such
 ‘ a notorious Practice; and that this *Prac-*
 ‘ *tice* is an *Offense* to the *Congregation*; in
 ‘ which will be included this Point like-
 ‘ wise, what the *Congregation* is; whether
 ‘ *Two* or *Three*, or a *Quarter*, or *Half*,
 ‘ or a *Majority*, or the *Whole* of it. What
 ‘ a great Comfort must it be, to a poor
 ‘ *Curate*, to be engaged in such a Process,
 ‘ in the Forms of our Law, upon such an
 ‘ *Occasion*! and how ought We to be
 ‘ congratulated upon such Happinesses as
 ‘ this!’

I have dwelt so long upon the Religious
 Part of the Controversy, that it will be
 needful to shorten what relates to Matters
 of a Political Nature. And indeed, it will
 be to no purpose to enlarge much here.
 For, as to the Discouragement given both
 by the *Corporation* and *Test* Acts, to the
 Endeavour after the best Qualifications for
 serving ones Country; the cutting off from
 the Community the service of able and
 faithful Men; and the Necessity of putting
 into their Room, in many cases, worthless
 Tools, and in Thousands of Instances,
 Men of the most debauch’d Principles and

Practice: if the Damage hereby done to the Nation's true Interest, be not seen and acknowledg'd as soon as mention'd; I despair of convincing any Man of it by a Train of arguing.

'Tis very probable, that whatever can be said of this Kind in the present case, will by the Enemies of the *Dissenters* be accounted to proceed more from a blameable Ambition in them, than any serious Regard to the Publick Good. On the other hand, it is the Opinion of very wise and good Men among themselves, that considered as *Dissenters* from the Establish'd Church, their Cause wou'd not fare a Whit the better for the Repeal of the Two Excluding Acts. Many probably wou'd in a short Time become constant Churchmen: others wou'd grow more indifferent in Matters of Religion, and more ready to fall in with prevailing Customs, if they were taken into publick Employments, as now they are not. But, leaving every Man to answer to the Supreme Judge of all, for the Views whith which he proceeds; the Legislature, if they take this Affair at all into their Hands, will consider, whether the Representations of a large Body of faithful Subjects are to be regarded or not; whether the Repeal they desire, will not strengthen the common Interest of the Nation, encourage Honesty and Integrity, and convince the World, that

that we are determin'd to reward Merit wherever we see it. 'Tis very easy to judge, whether it is not the true Interest of a Nation thus to encourage the Ambition of deserving well. And whether it can be the Interest of any Society, to discourage by Marks of Infamy Men of unquestionable Abilities and approv'd Fidelity, merely for differing about a Rite or Ceremony; it is to the full as easy to determine.

But it is a great Advantage to be on the Side of a Thing already establish'd. And accordingly, in Defiance of all that can be said against the two excluding Acts, a late Writer has undertaken to affirm; *that no Time is proper to apply for a Repeat.* His Zeal is chiefly employed in Defence of the Test Act. And the Argument with which he * begins and ends, is this: 'That when the Case of the Dissenters came under a solemn Deliberation in Parliament, immediately after the Revolution, and a Toleration was granted them; the Legislature was so far from *Exempting*, that they expressly *Included* them in the Disabilities and Penalties of the Test Act: that this appears from the Act of Toleration.' And to aggravate the Matter, he adds: *That it was*

* Vid. *Dispute Adjusted*, pag. 6, 17, 18.

' was then maturely considered by as able
' Heads as any Age has produced, and at
' a Time when the Dissenters cannot pre-
' tend, that there was not a Disposition
' to consider their Case in the most fa-
' vourable Light that the Constitution in
' Church and State would fairly ad-
' mit.'

Now, in Answer to all this, it is suffi-
cient to say: That though the *Dissenters*,
by their steady Adherence to the *Prote-*
stant Interest, and to the Principles which
brought about that happy Revolution, had
deserv'd all the Kindness then shewn them,
and that if this had not been very evident,
the Toleration had never been granted;
yet they are most heartily thankful for it,
to God, and to those who were the Instru-
ments under Him: That they the less won-
der at what was then done in their Favour,
because in so short a Time, after *such* a
Revolution, it could not be expected but
moderate Counsels would prevail: But
however, they appeal to all who remember
that Reign, whether from the Beginning to
the End of it, there was not together with
moderate Counsels a Mixture of such others,
as oppos'd the King's most generous Designs,
and very much distress'd him; and whe-
ther there had not been, in all Probability,
much more Favour shewn to the Dissenters,
had it not been for those Counsels. But

let

let us think ever so well of the Wisdom and Moderation of those who voted for the Toleration: can that be a good Reason for Mens shutting their Ears against any Arguments that can now be offered, for removing Penalties which were not then remov'd? This looks too much like *Impli- cite Faith*; which can never become Protestants, either in Affairs of Church or State! A great deal was done at the Revolution: but not so much as was to be desired for the Nation's Good: many Things were left to be done afterwards. By the Act of Toleration the Legislature did exempt the Protestant Dissenters from the Disabilities and Penalties of several Acts which it mentions; but did not exempt them from those contained in the Test Act. But does it thence follow, that the Legislature can never after have it in their Power to exempt them; or that they will never see Reason for such an Exemption?

What is farther advanced by this Writer, consists chiefly of Invectives against the Dissenters; insinuating that they want to overturn the Establishment of the Church of *England*, because it is evident they are of Opinion some Things might be mended in it. And the Drift of the Whole is to shew; that because the Dissenters think that Establishment in some
Respects

Respects imperfect, and some of them are of Opinion that Christianity might subsist, as it did the first Three hundred Years after Christ, by the Force of its own Truth, without any Church Establishment at all; therefore all of them ought to be excluded from Civil Offices. He seems not here to be aware, that even according to his own Representation of the Dissenters, thus divided among themselves, their very Divisions will prevent the Establish'd Church from being in any Danger by their Means. But it is no Wonder that a Man should write inconsistently, when he is heated with Zeal for a Party. Indeed there is in this little Piece so much of *Declamation and Amusement*, instead of Reason and Argument, that it does not deserve a particular Answer.

I proceed therefore to observe, that the Repeal now desired would not make the least Alteration in our Constitution, no *breaking in of the Church upon the Toleration, or of the Toleration upon the Church*; so that the terrible Apprehension, as * if the Peace of this Country must be at an End upon the Repeal of these Acts, has really no Foundation. The Constitution both in Church and State, would remain the very same it was before; only there

would be a better Foundation laid for mutual Affection among the Subjects. And it can be no great Proof of Wisdom to raise Objections, which, if they were valid, must put a Stop to the humblest Representations; and the strongest Reasons that can be offered for the Repeal of any Law whatever. But, indeed, every Parliament gives a Proof, that *the Wisdom of the Nation* is of another Mind. They shew; that if any Law formerly made proves to be attended with such Disadvantages, as make it upon the Whole eligible to have it repealed; it is their Mind it should be repealed: And they give Leave to have those Disadvantages at large set before them, in order to judge what is proper to be done.

But it is farther objected, That the Repeal desired by the Dissenters would break in upon the Settlement of the Union. As to which Objection, I observe, that plausible Appearances are a necessary Refuge, where Argument is wanting. All that is alledged in Support of it, is only this *:
 ' That by the *Act of Union* in the Sixth of
 ' *Q. Anne, All and singular Acts of Parliament*
 ' *then in Force, for the Establishment and*
 ' *Preservation of the Church of England,*
 ' *and the Doctrine, Worship, Discipline and*
 ' *Government thereof, shall remain and be in*

full Force for ever: And that this Act is also declared to be an essential and fundamental Part of the Union between the two Kingdoms.

Here I would ask, What *Act* the Author means? Not the *Corporation* or *Test Act* surely? for they are not so declared by the *Union Act*; though one would think the Author by his loose and careless Way of writing on this Head, design'd to mislead his Reader into a Notion, that one of these Acts was expressly declar'd to be an essential and fundamental Part of the Union between the two Kingdoms: whereas the Matter upon the *Act of Union* stands thus. In the fifth of *Q. Anne*, an Act was made, introductive to the Union of the two Kingdoms; entituled, *An Act for securing the Church of England, as by Law established.* In which Act it is provided, That an Act 13 *Eliz.* entituled, *An Act for Ministers of the Church to be of sound Religion;* and the *Act of Uniformity*, 13 *Charles II.* and all other and singular Acts of Parliament, now in Force for the Establishment and Preservation of the Church of England, and the Doctrine, Worship, Discipline and Government thereof, shall remain and be in full Force for ever. This Act is indeed declared to be an essential and a fundamental Part of the Articles and Union. And if the Author did mean this, he ought to have laid

laid down his Meaning more clearly. Yee if he had written ever so clearly, he could never have shewn that the Corporation or Test Acts were essential or fundamental to the Union.

He propos'd however to shew, that they were made *for the Establishment and Preservation of the Church of England*. But even here, his Pains are to very little Purpose; because, as was before observ'd, the Doctrine, Worship, Discipline and Government of the Church of England would remain the very same, if both the Corporation and Test Acts were repeal'd, as they are, now that they remain in force. And it is humbly submitted to Consideration; Whether the Continuance of these Acts can be any *Establishment or Preservation of the Church*; or whether on the contrary they are not an Inlet for Atheists and Infidels into it.

As to the State; it has been observ'd already, That that is abundantly secured against Papists, by the Acts which settle the Succession to the Crown, and a great Number of others besides. But there is one Thing wanting: and that is, a more firm and cordial Union among Protestants: To which, the Dissenters humbly conceive, the Repeal of the two Disqualifying Acts would very much conduce. They verily believe; and it is well known, that many of those in the Establish'd Church, who

are best affected to the Government, declare with them; that a Removal of the reproachful Incapacities which those Acts lay upon them, would contribute to the more firm Security of the Government in his Majesty's Royal Person and Family, to which they have always shewn the most sincere and inviolable Affection. No Subjects in the Nation came more joyfully into the Settlement of the Succession in the present Illustrious Family, than the Protestant Dissenters did: None more resolutely stood up in their Defence at the Time of the Rebellion, or more bravely signalized themselves therein: None do more heartily rejoice at the glorious Figure they now make, and the powerful Influence they have upon all the Counsels of Europe: None can be more desirous of seeing them continue to shine with a distinguish'd Lustre, or more ready to do them real Service, than the Protestant Dissenters are: And therefore it may be strongly concluded, that the easing them from a Load of Infamy, and putting it into their Power to be more serviceable to their King and Country, would give a real Strength to the Government itself. But whether the continuing Reproachful Incapacities upon them, disabling them to sue, or use any Action, Bill, Complaint or Information in Course of Law, or to prosecute any Suit in any Court

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of Equity, or to be Guardian of any Child, or Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, and imposing on them the Forfeiture of 500 Pounds, merely for executing an Office without taking the Sacrament according to the Usage of the Church of England, can answer any such good End, or give any Strength to the Constitution, either in Church or State; let those who have the Nation's true Interest at Heart impartially determine.

Having enquired thus largely into the Reasonableness of applying some time or other for a Repeal of the Acts so often mention'd; it is now high time to consider the Fitness or Unfitness of the present Season.

Now the first Thought that naturally offers upon this Occasion, is; that the longer these Acts continue, the more difficult it will be to get rid of them at all. If it is fit they should always continue; if that is most agreeable to Reason, and Religion, and the Publick Welfare; then resolve never to look towards a Repeal of them. But if the contrary is the true State of the Case: then the sooner Endeavours are used for a Repeal, they are so much the wiser; because every Year, every Session of Parliament, there is more Probability of Success, than in waiting for another. Prescription gives a great Weight even to the worst of Customs.

Customs. And how unexpectedly and unkindly that Argument has been employed in a certain Case, within these few Months, I am loth to mention. But what Strength, or indeed what Truth could there be in it, if it should be applied to the present Case? What if One of these Acts has been in Force almost threescore Years, and the other longer still? Will that Length of Time make a Law unalterable, or the Continuance of it necessary? Will threescore Years of Age make any Law a necessary Part of the Constitution? They can have no very kind Intentions towards the Dissenters, who can endeavour to put them off with so slight an Argument. And the Dissenters may depend upon it, that any Man or Number of Men, who by the Use of such an Argument would persuade them this is not a proper Time, would lay a greater Stress upon it Seven Years hence, and say that was a much more improper Time, for the very same Reason.

But it has been said; this cannot be a proper Time, because the moving now would disturb the publick Affairs, which are, blessed be God, in a peaceable Posture. Why, this very thing is a Proof that this is the most proper Time that can be chosen. And if the Dissenters have chosen a peaceable Time, they have thereby shewn at once their Wisdom and their tender Regard to the

the Government. For, a Time of Peace, both at home and abroad, such as, thro' the Goodness of God, the present Time is, is the time when the Spirits of Men in general, and particularly of those in the Legislature, are likely to be the most calm, and fit to consider of such an Affair, and to take proper Resolutions about it. If, instead of our present peaceful State, we had been engaged in a dangerous War from abroad, or in Seditions and Commotions at home, and the Dissenters throughout the Nation had taken the Advantage of those Disturbances; whatever they had done, tho' in the most respectful Manner possible, towards the Removal of what they account Difficulties, might then with a more plausible Colour have been complain'd of. But if they must not now stir, so much as to ask the Parliament to remove Reproaches and Disabilities, which they think they do not deserve, and the best reason to be given is, because if they stir now, they will disturb the profound Peace of the Publick; then the plain English is, they must never stir at all.

The Truth of the Case is; that the Providence of God seems to have marked out this peaceful Season, for the Time, when the Dissenters should, if ever, petition for a Repeal of the two Acts. I say, the Providence of God. For I cannot help looking

ing upon the Spring of this Affair at *Liverpool*, (from whence 'tis well known the present Motions had their Beginning) and the Spirit thence communicated to all Parts of the Nation, to be a providential Encouragement to the Dissenters, to take all decent and respectful Measures for rendring themselves more useful to their Country, than in their present Circumstances they can be. And when such a fair Occasion is given; for those about the Metropolis to slight it, and even to oppose their Brethren both in Town and Country, who desire no other than to make a respectful Application to the Legislature, which alone can grant what they desire; is something very much out of Character.

We have indeed been told, That the Motion for repealing these Acts ought to come from the Church itself, and not from the Dissenters. But what is the English of this? What must be the Consequence of waiting till the Motion comes from that Quarter? Let it be really ever so much the Interest both of Church and State, that these Laws should be repeal'd; and let this appear ever so clearly to the best Friends of both: yet there will be apprehended such an interfering of private Interests in great Numbers of Persons pretending a Zeal for the Church, as will effectually prevent the Hopes of gaining the Repeal

peal by their Means. What Hope then can there be, but from the Thing's being, in a decent Manner, while it is fresh in all Peoples Minds, represented to the Legislative Power, by those who are through these Acts disabled from serving their Country, and laid under Marks of Infamy, which they verily believe they do not deserve.

Let those Dissenters who are in earnest, consider, what some of them very well know, that their Brethren in many Counties hoped to have the Bill brought in last Session; and that the only Reason given against it then, was, that there could not be Time enough to prepare necessary Measures for it; that they must wait till that Session was over; and then they would have a whole Season before them. If any Man, or Party of Men had a mind to elude the whole Design, it could not have been done more artfully or more effectually, than by advising to the very Steps which have been taken: missing the first and most hopeful Season; then making a great Parade of many fruitless Applications, every one producing greater and greater Disadvantages; and many Meetings, either quite publick, wherein all their Measures should be exposed to every Comer, or made publick, when thought to be private: Whereas, if instead of staying for the wise Leading of the *Londoners*, the Dissenters in the Country, and particularly they of *Liverpool*, had

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made a Beginning; the true Spring of the Affair had been more universally seen, idle Stories of a Design to oppose and distress their good Friends, had been prevented, abundance of Discouragements had been avoided, and there had been a fairer Prospect of Success than there is at this Day.

For, what was the Consequence of losing that Session? You were then told, (and the same Tale is daily repeated,) That you were come so near to the End of the Parliament, that it would be unsafe to try the Cause, lest the Debates about it should be the Means of making the next Parliament of a very different Complexion from the present. It was alledged, that the Strickers for the Church wou'd think the Church was in Danger; and therefore wou'd not Vote for those in an ensuing Election, who should have been known to vote for the Repeal of the Corporation and Test Acts. But they who so zealously press this Argument, seem not willing to consider, how much the People in general are altered for the better, in their Affection to the Royal Family; how great a Regard they have for the present Administration; and moreover, how much Influence the Dissenters have in several Counties and Boroughs, for turning the Elections. This last Argument comes with its proper Weight, now towards the End of a Parliament; but will lose all its Force, when once a new Parliament is chosen

chosen, and many Members got into the House by the Dissenters Help, who have inwardly little or no Affection for them. Is it probable that such Men will out of a meer Principle of Gratitude, do the Dissenters a Kindness, when they have Seven Years before them to use Means for meriting their Election another Way? And yet, the combined Interest of the Church-Whigs and Dissenters together, under such an Administration as the present, might easily dispel the Fears about a new Parliament, if People had not a mind to be frightened.

But how has this Cry been spread? How have the Dangers been magnified? that the Clergy will be alarmed; that they will excite the People, and all Things will be thrown into Confusion! I hope, not so much Confusion, as some would be thought to apprehend. But supposing (for one Moment) that there was in Fact a Foundation for this Cry; and supposing the Motion for a Repeal shou'd be put off to another Parliament: will they who discourage the Thing now, encourage it then? Do they tell us when will be a *proper Time*, while they say that the *present* is *improper*? When they assign the approaching End of a Parliament as the Reason of the Impropriety of their lending any Assistance now; do they promise a vigorous Concurrence in the Beginning of a new one? I have heard they do not; but as

every Session comes on, one after another, they only tell you, the *present* Session is *improper*. And some are of opinion, that the Depths of Policy wou'd sooner engage Persons of Figure, at once to bring in a Bill for removing the Dissenters Disabilities, than to give any promise of doing it in *any future Time* whatever.

In the mean Time, where is the Wisdom of waiting for Promises, which promises themselves can never be reasonably expected? Where is the Wisdom especially, at a Time when the Dissenters in many Counties are already discouraged, by not having their Petitions delivered last Session; and have been assured by some of their Friends here, that all vigorous Measures shou'd be used in the next Session? What must be the Consequence of sitting still? Will it not be the intire sinking, beyond Recovery, the Spirits of all those throughout the Nation, who wish well to the Dissenting Interest, and indeed to the Interest of Liberty in general? Will not the Enemies of the Dissenters triumph in their Disappointment? Will they not conclude, that after the utmost Trial, the thing they propose is utterly unpracticable? Will they not be divided by Jealousies among themselves? And in that case, how can the slender Hopes now entertain'd with a View to a future Parliament, be able to reunite them, when their

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whole strength comes to be wanted in Elections, for the service of their Country? Indeed, if the present pursuit shou'd be dropp'd, after all the Resolutions and other Measures that have been taken; what hope is there left of succeeding ever after, in any Remonstrances or Complaints? what reason will there be to expect that the Dissenters shou'd ever gain any one thing they shall desire? what Prospect of a mutual Confidence among themselves? If they shou'd by a respectful Application to the Legislature try what they can do, they know not but they may succeed: And if they wou'd heartily unite to make the Trial, all things considered, there is very good Reason to hope they wou'd succeed. How do we know, but that those very Persons, who now rather discourage than otherwise, might help instead of hindring? But even in Case a present Attempt shou'd not succeed: still they wou'd be but where they were; only much more united than they can be if no Trial be made; and consequently more capable of being useful to themselves and to the Publick.

But further: it becomes the Dissenters to consider, in case they shou'd not now move in this Affair, whether they are sure, that the next Parliament will be as favourable to their desires, as the present. Even in case there shou'd be chosen what is commonly

monly call'd a Whig Parliament; is it not possible that a Majority of Men, less favourable to the Dissenters in their Hearts, and yet for some polirick Reason or other going by the Name of Whigs, may be brought into the House, and thereby all rational Hopes of Success to the Dissenters intirely cut off?

Nay, if as favourable a Parliament as the present shou'd be chosen; what Help or Comfort will that bring to the Dissenters, while there is so little Prospect of cordial Friendship from those to whom they are desirous to be obliged? They who can at the latter End of a Parliament exert their Influence to prevent the doing in behalf of Dissenters what themselves acknowledge to be right and fitting; if they really have in their Hearts a prevailing Kindness for the opposite Party, or (which will produce the very same Effect) if they shall happen to think it their Interest to fall in with that Party, will not want Means for acting the same Part, in the beginning of a new Parliament, or in any succeeding Time. Indeed it is hard to conceive, how it shou'd be their Interest to take one Step to prevent doing Justice to a Body of Men upon whom the Government knows they may always depend. But it requires no great Penetration to see, that it is the Interest of the Government to strengthen the Hands of those, who are

are well known to be some of its firmest Friends.

But it becomes the Dissenters further to consider, that the Lives of the greatest Men are as uncertain, as those of the meanest: so that if they cou'd ever so firmly depend upon the Friendship of particular Persons now living, they can neither be sure of the Continuance of their Lives, nor know for certain what Kind of Administration may follow. They cannot be sure, but there may come an Administration, as well as a Parliament, less favourable to their Cause than the present. And will they shew their Wisdom by waiting for such an Event? Will they not indeed prove themselves the most inconsistent People in the World? If such a Turn shou'd come; what wou'd the Dissenters have to say in Excuse for their supine Negligence, in letting slip an Opportunity, which has many favourable Circumstances in it, notwithstanding some Discouragements? Besides, how can they tell, but that *Europe* may be again embroil'd in Wars, and We of this Nation have a large Share of the Charge and Trouble of them? in which case they know there is a loud Objection ready to be rais'd against their making any Motion for Relief.

But, supposing Peace should continue; and supposing that certain Persons in Powers should not espouse the Dissenters Interest

rest so heartily as were to be wished: yet the Argument stands good; that it is better, with the first Opportunity, to try to make themselves useful, than wait for a Change, which for aught they know may be much for the worse. Things may grow worse with them, even during the Life and Administration of those, whose Friendship they so much desire. They may become less and less favourable to a Cause, which it was hoped they would espouse, and to which they may still express some kind Inclinations. But must the Dissenters, on Supposition of kind Inclinations towards them for a future Time, reject the present Opportunity of applying to a Parliament, in which they believe there is a Majority of Friends to Liberty; when they are not likely to meet with another so favourable?

I make no doubt there are very wise Men employ'd in consulting about this great Affair. And why shou'd not the wisest employ their Wisdom and their Influence in the most beneficial Way? Why should they not heartily join, nay, why should they not appear at the Head of those, who desire the Removal of what they know is universally complain'd of? At least, it is certain, they can never blame the Dissenters, or be angry with them, for seeking a Deliverance from Incapacities and Reproaches which

which they verily believe they do not deserve. If they think the Test Act is a Security to the Church; how much soever the Dissenters are inclined to agree with them, yet in this they cannot. They think it impossible, that the Test Act should ever be a real Security to any Christian Church whatever. That it cannot be any Security to the Church of England in particular, they think appears from the Numbers of Infidels and Debauchees, who for the Sake of Places, by Means of that Act come to the Lord's Table, with the utmost Aversion to it in their Hearts, or at least with a manifest Contempt of it. And these surely can be no Strength to any Christian Church: nor can it be an Honour to any Church whatever, to have it thought that it wants such Supports, or cannot stand without their Help, to the Exclusion of Men of the best moral and religious Character. Those Measures, whatever they are, one wou'd think, shou'd give the greatest Strength to a Christian Church, which most of all encourage true Piety and Devotion towards God, and mutual cordial Affection among all sincere Christians, in Conformity to the Precept and Example of Him, in whose Name Christian Churches are founded. And whether those good Ends will best be answered by continuing or repealing the *Corporation and Test Acts*,

let the Wisdom of the Nation be intreated to consider.

I am much more solicitous about the Sentiments of all the wise Men in the Nation, than those of any One Party. And tho' I am not able to see any Wisdom in affirming that *no Time is proper* for easing faithful and peaceable Subjects from Difficulties, which carry along with them the Marks of Reproach and Severity: yet if the Legislature, upon having the Affair decently laid before them, shou'd think this an improper Time to give them Relief; I shou'd heartily recommend to them the Continuance of that Patience, to which they have so long been accustomed. However, it cannot be unworthy the Consideration of a *British* Senate, whether by removing these Difficulties they wou'd not at the same Time remove a Scandal from our Holy Religion, and strengthen the Interest of the Nation in general.

F I N I S.

